

IN THE DRAWINGS:

Attached hereto are two replacement sheets for Figs. 21, 22 and 23 of pages 16 and 17 of the drawings.

### REMARKS

Applicant has amended claim 7, amended the drawings and the abstract. Applicant respectfully submits that these amendments to the claims, abstract and drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the abstract, drawings and claims as amended.

The Examiner has objected to Figs. 21, 22 and 23, stating that they should be designated Prior Art. Applicant has amended the drawings and respectfully requests that the Examiner withdraw his objection.

The Examiner has objected to the abstract and Applicant has amended the abstract. Accordingly, Applicant respectfully requests that the abstract is no longer objectionable.

The Examiner has objected to claim 7. In view of the above amendment to claim 7, Applicant respectfully submits that claim 7 is no longer objectionable.

The Examiner has rejected claims 1-5 and 7-10 under 35 USC 102 as being anticipated by European Patent 1179698, stating that EU '698 teaches a gland packing material for braiding or twisting, configured as a cord-like member by twisting a base member comprising a sheet like reinforcing member containing a fibrous material sheet 3, 4 and a strip like expanded graphite 2, the expanded graphite disposed on either one or two faces and from a portion to a whole of which is placed on the outside of the cord-like member and a number of openings formed in the reinforcing member, wherein the reinforcing material is steel fibers.

In reply thereto, Applicant has carefully reviewed EU '698 and respectfully submits that in EU '698 the outer periphery of the expanded graphite tape is reinforced by a reinforcing member configured by a braid or knitted cylindrical body or it is reinforced by means of embedding plural reinforcing member such as fibers in the outside of the tape. In contrast thereto, Applicant's invention claims a structure wherein a reinforcing member, in which multifilament yarns are opened in a sheet-like shape, is disposed on the expanded graphic tape surface so as to be a layered structure. Applicant respectfully submits that Applicant's invention as claimed is patentable different from EU '698.

In addition to the above, Applicant respectfully submits that Applicant's invention as claimed by claim 1 requires a gland packing material configured by a cord-like member which is formed by stranding a strip-like base member, or winding a strip-like base member about a longitudinal direction, or winding a strip-like base member about a longitudinal direction and

then stranding said base member, and the reinforcing member is involved in the stranding formed cord-like member. Applicant respectfully submits that EU '698 does not disclose the structure described above and merely describes a structure utilizing folding and bending.

In view of the above, therefore, Applicant respectfully submits that EU '698 does not disclose each and every element of Applicant's invention and claims 1-5 and 7-10 are not anticipated thereby.

The Examiner has rejected claim 6 under 35 USC 103 as being obvious over EU '698, stating that EU '698 essentially teaches the invention as disclosed but fails to specifically teach a sheet thickness of 10-300 micrometers; but it would be obvious to one of ordinary skill in the art to utilize fibers of such a diameter.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and EU '698 and Applicant respectfully submits that one of ordinary skill in the art would not make Applicant's invention based upon the teachings of EU '698 and would not be suggested to make the modifications required to create Applicant's invention from EU '698. Therefore, Applicant respectfully submits that claim 6 is not obvious over EU '698.

The Examiner has further rejected claims 1 and 3-10 provisionally on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 6-13 of copending application No. 10/527,626. While Applicant believes that claims 1 and 3-10 are patentable over claims 1 and 6-13 of copending application No. 10/527,626, in view of the fact that the two applications are filed so close together in time, Applicant submits herewith a Terminal Disclaimer.

The Examiner has rejected claims 1-10 provisionally on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 4-11 of copending application No. 10/527,625. While Applicant believes that claims 1-10 of the present application are patentable over claims 1, 2 and 4-11 of copending application No. 10/527,625, submitted herewith is a Disclaimer in view of the closeness of the filing date of the present application and application No. 10/527,625.

Applicant further respectfully and retroactively requests a one-month extension of time so as to respond to the Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$120 as the fee.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

  
By \_\_\_\_\_

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